

to the Veterans' Administration excessive absences from a course, or discontinuance or interruption of a course by the veteran or (2) false certification by the educational institution or training establishment, the amount of such overpayment shall constitute a liability of such institution or establishment, and may be recovered in the same manner as any other debt due the United States. Any amount so collected shall be reimbursed if the overpayment is recovered from the veteran. This section shall not preclude the imposition of any civil or criminal liability under this or any other law. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1191.)

§ 1667. Examination of records.

The records and accounts of educational institutions and training establishments pertaining to eligible veterans who received education or training under this chapter shall be available for examination by duly authorized representatives of the Government. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1191.)

§ 1668. False or misleading statements.

The Administrator shall not make any payments under this chapter to any person found by him to have willfully submitted any false or misleading claims. In each case where the Administrator finds that an educational institution or training establishment has willfully submitted a false or misleading claim, or where a veteran, with the complicity of an educational institution or training establishment, has submitted such a claim, he shall make a complete report of the facts of the case to the appropriate State approving agency and where deemed advisable to the Attorney General of the United States for appropriate action. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1192.)

§ 1669. Information furnished by Federal Trade Commission.

The Federal Trade Commission shall keep all State approving agencies advised of any information coming to its attention which would be of assistance to such agencies in carrying out their duties under this chapter. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1192.)

Chapter 35.—WAR ORPHANS' EDUCATIONAL ASSISTANCE

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AMENDMENTS

1963—Pub. L. 88-126, § 5, Sept. 23, 1963, 77 Stat. 163, added heading of Subchapter VII and items 1771-1778.

Subchapter I.—Definitions

§ 1701. Definitions.

(a) For the purposes of this chapter—

(1) The term "eligible person" means a child of a person who died of a service-connected disability arising out of active military, naval, or air service during the Spanish-American War, World War I, World War II, the Korean conflict, or the induction period but only if such service did not terminate under dishonorable conditions. Such term also includes the child of a person who has a total disability permanent in nature resulting from a service-connected disability arising out of service as described in the first sentence hereof, or who died while a disability so evaluated was in existence. The standards and criteria for determining whether or not a disability arising out of service during the Spanish-American War, World War I, World War II, or the Korean conflict is service-connected shall be those applicable under chapter 11 of this title. The standards and criteria for determining whether or not a disability arising out of service during the induction period is service-connected shall be those applicable under chapter 11 of this title, except that the disability must (A) be shown to have directly resulted from, and the causative factor therefor must be shown to have arisen out of, the performance of active military, naval, or air service (but not including service described under section 106 of this title), or (B) have resulted (i) directly from armed conflict or (ii) from an injury or disease received while engaged in extrahazardous service (including such service under conditions simulating war).

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(2) The term "child" includes individuals who are married and individuals who are above the age of twenty-one years.

(3) The term "duty with the Armed Forces" as used in section 1712 of this title means (A) active duty, (B) active duty for training for a period of six or more consecutive months, or (C) active duty for training required by section 1013 (c) (1) of title 50.

(4) The term "guardian" includes a fiduciary legally appointed by a court of competent jurisdiction, or any person who is determined by the Administrator in accordance with section 3202 of this title to be otherwise legally vested with the care of the eligible person.

(5) The term "program of education" means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary to fulfill the requirements for the attainment of a predetermined and identified educational, professional, or vocational objective.

(6) The term "educational institution" means any public or private secondary school, vocational school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or any other institution if it furnishes education at the secondary school level or above.

(7) The term "special restorative training" means training furnished under subchapter V of this chapter.

(8) The term "State" includes the Canal Zone.

(9) The term "induction period" means (A) the period beginning September 16, 1940, and ending December 6, 1941, and the period beginning January 1, 1947, and ending June 26, 1950, and (B) the period beginning on February 1, 1955, and ending on the day before the first day thereafter on which individuals (other than individuals liable for induction by reason of a prior deferment) are no longer liable for induction for training and service into the Armed Forces under the Universal Military Training and Service Act.

(10) The term "total disability permanent in nature" means any disability rated total for the purposes of disability compensation which is based upon an impairment reasonably certain to continue throughout the life of the disabled person.

(b) If an eligible person has attained his majority and is under no known legal disability, all references in this chapter to "parent or guardian" shall refer to the eligible person himself.

(c) Any provision of this chapter which requires any action to be taken by or with respect to the parent or guardian of an eligible person who has not attained his majority, or who, having attained his majority, is under a legal disability, shall not apply when the Administrator determines that its application would not be in the best interest of the eligible person, would result in undue delay, or would not be administratively feasible. In such a case the Administrator, where necessary to protect the interest of the eligible person, may designate some other person

(who may be the eligible person himself) as the person by or with respect to whom the action so required should be taken.

(d) The Congress hereby declares that the educational program established by this chapter is for the purpose of providing opportunities for education to children whose education would otherwise be impeded or interrupted by reason of the disability or death of a parent from a disease or injury incurred or aggravated in the Armed Forces during the Spanish American War, World War I, World War II, the Korean conflict, or the induction period and for the purpose of aiding such children in attaining the educational status which they might normally have aspired to and obtained but for the disability or death of such parent. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1193; Pub. L. 86-236, § 1, Sept. 8, 1959, 73 Stat. 471; Pub. L. 86-785, §§ 1-3, Sept. 14, 1960, 74 Stat. 1023; Pub. L. 88-361, § 1, July 7, 1964, 78 Stat. 297.)

REFERENCES IN TEXT

Universal Military Training and Service Act, referred to in subsec. (a) (9), is classified to section 451 et seq. of Title 50, Appendix.

AMENDMENTS

1964—Subsec. (a) (1). Pub. L. 88-361, § 1(a), included the child of a person who has a service-connected disability, or who died while such disability existed.

Subsec. (a) (10). Pub. L. 88-361, § (b), added par. (10).

Subsec. (d). Pub. L. 88-361, § 1(c), inserted disability or" preceding "death" wherever appearing.

1960—Subsec. (a) (1). Pub. L. 86-785, § 1, substituted "the Korean conflict, or the induction period" for "or the Korean conflict", inserted "arising out of service during the Spanish-American War, World War I, World War II, or the Korean conflict" following "whether or not a disability", and added the sentence relating to the criteria for determining whether a disability arising out of service during the induction period is service connected.

Subsec. (a) (9). Pub. L. 86-785, § 2, added par. (9).

Subsec. (d). Pub. L. 86-785, § 3, substituted "the Korean conflict, or the induction period" for "or the Korean conflict."

1959—Subsec. (a) (1). Pub. L. 86-236 inserted "the Spanish-American War."

Subsec. (d). Pub. L. 86-236 inserted "the Spanish-American War."

ELIGIBLE PERSON

Section 5 of Pub. L. 86-785, as amended by Pub. L. 87-815, § 2(b), Oct. 15, 1962, 76 Stat. 927, provided that: "(a) In the case of any individual who is an 'eligible person' within the meaning of section 1701(a) (1) of title 38, United States Code [this section], solely by virtue of the amendments made by this Act [to subsec. (a) (1) of this section], and who is above the age of seventeen years and below the age of twenty-three years on the date of enactment of this Act [Sept. 14, 1960], the period referred to in section 1712 of title 38, United States Code, shall not end with respect to such individual until the expiration of the five-year period which begins on the date of enactment of this Act [Sept. 14, 1960]."

"(b) In computing the five-year period prescribed in subsection (a), the Administrator of Veterans' Affairs shall disregard all periods of active duty performed by such individual before August 1, 1962, pursuant to a call or order thereto issued to him as a Reserve after July 30, 1961, or pursuant to an extension of an enlistment, appointment, or period of duty with the Armed Forces pursuant to section 2 of Public Law 86-117 [set out as a note under section 263 of Title 10, Armed Forces]."

CHILDREN OF SPANISH-AMERICAN WAR VETERANS

Period of eligibility for educational assistance of children of Spanish-American War Veterans, see section 2 of Pub. L. 86-236, set out as a note under section 1712 of this title.

Subchapter II.—Eligibility and Entitlement

§ 1710. Eligibility and entitlement generally.

Each eligible person shall, subject to the provisions of this chapter, be entitled to receive educational assistance. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1194.)

§ 1711. Duration of educational assistance.

(a) Each eligible person shall be entitled to educational assistance under this chapter for a period not in excess of thirty-six months (or to the equivalent thereof in part-time training).

(b) The period of entitlement of an eligible person under this chapter shall be reduced by a period equivalent to any period of education or training received by him under chapter 31 or 33 of this title.

(c) If an eligible person is entitled to educational assistance under this chapter and also to vocational rehabilitation under chapter 31 of this title, he must elect whether he will receive educational assistance or vocational rehabilitation. If an eligible person is entitled to educational assistance under this chapter and is not entitled to such vocational rehabilitation, but after beginning his program of education or special restorative training becomes entitled (as determined by the Administrator) to such vocational rehabilitation, he must elect whether to continue to receive educational assistance or whether to receive such vocational rehabilitation. If he elects to receive vocational rehabilitation, the program of education or special restorative training pursued under this chapter shall be utilized to the fullest extent practicable in determining the character and duration of vocational rehabilitation to be furnished him.

(d) If any child pursuing a program of education, or of specialized restorative training, under this chapter ceases to be an "eligible person" because the parent from whom eligibility is derived is found to no longer have a "total disability permanent in nature", as defined in section 1701(a)(10) of this title, then such child (if he has sufficient remaining entitlement) may, nevertheless, be afforded educational assistance under this chapter until the end of a quarter or semester for which enrolled if the educational institution in which he is enrolled is operated on a quarter or semester system, or if the educational institution is not so operated until the end of the course, or until nine weeks have expired, whichever first occurs. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1194; Pub. L. 88-361, § 2, July 7, 1964, 78 Stat. 297.)

AMENDMENTS

1964—Subsec. (d). Pub. L. 88-361 added subsec. (d).

§ 1712. Periods of eligibility.

(a) The educational assistance to which an eligible person is entitled under section 1711 of this title or subchapter V of this chapter may be afforded him during the period beginning on his eighteenth birthday, or on the successful completion of his secondary schooling, whichever first occurs, and ending on his twenty-third birthday, except that—

(1) if he is above the age of compulsory school attendance under applicable State law, and the Administrator determines that his best interests

will be served thereby, such period may begin before his eighteenth birthday;

(2) if he has a mental or physical handicap, and the Administrator determines that his best interests will be served by pursuing a program of special restorative training or a specialized course of vocational training approved under section 1737 of this title, such period may begin before his eighteenth birthday, but not before his fourteenth birthday;

(3) if the Administrator first finds that the parent from whom eligibility is derived has a service-connected total disability permanent in nature, or if the death of the parent from whom eligibility is derived occurs, after the eligible person's eighteenth birthday but before his twenty-third birthday, then (unless paragraph (4) applies) such period shall end five years after, whichever date first occurs (A) the date on which the Administrator first finds that the parent from whom eligibility is derived has a service-connected total disability permanent in nature, or (B) the date of death of the parent from whom eligibility is derived;

(4) if he serves on duty with the Armed Forces as an eligible person after his eighteenth birthday but before his twenty-third birthday, then such period shall end five years after his first discharge or release from such duty with the Armed Forces (excluding from such five years all periods during which the eligible person served on active duty before August 1, 1962, pursuant to (A) a call or order thereto issued to him as a Reserve after July 30, 1961, or (B) an extension of enlistment, appointment, or period of duty with the Armed Forces pursuant to section 2 of Public Law 87-117); however, in no event shall such period be extended beyond his thirty-first birthday by reason of this paragraph; and

(5) (A) if he is enrolled in an educational institution regularly operated on a quarter or semester system and such period ends during the last half of a quarter or semester, such period shall be extended to the end of the quarter or semester; or

(B) if he is enrolled in an educational institution operated other than on a quarter or semester system and such periods¹ ends during the last half of the course, such period shall be extended to the end of the course, or until nine weeks have expired, whichever first occurs.

(b) No eligible person may be afforded educational assistance under this chapter unless he was discharged or released after each period he was on duty with the Armed Forces under conditions other than dishonorable, or while he is on duty with the Armed Forces.

(c) Notwithstanding the provisions of subsection (a) of this section, an eligible person may be afforded educational assistance beyond the age limitation applicable to him under such subsection if (1) he suspends pursuit of his program of education after having enrolled in such program within the time period applicable to him under such subsection, (2) he is unable to complete such program after

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the period of suspension and before attaining the age limitation applicable to him under such subsection, and (3) the Administrator finds that the suspension was due to conditions beyond the control of such person; but in no event shall educational assistance be afforded such person by reason of this subsection beyond the age limitation applicable to him under subsection (a) of this section plus a period of time equal to the period he was required to suspend the pursuit of his program, or beyond his thirty-first birthday, whichever is earlier.

(d) Notwithstanding the provisions of subsection (a) of this section, an eligible person may be afforded educational assistance beyond the age limitation applicable to him under such subsection by a period of time equivalent to any period of time which elapses between the eighteenth birthday of such eligible person or the date on which an application for benefits of this chapter is filed on behalf of such eligible person, whichever is later, and the date of final approval of such application by the Administrator; but in no event shall educational assistance under this chapter be afforded an eligible person beyond his thirty-first birthday by reason of this subsection. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1194; Pub. L. 87-815, § 2(a), Oct. 15, 1962, 76 Stat. 926; Pub. L. 87-819, § 2, Oct. 15, 1962, 76 Stat. 935; Pub. L. 88-361, § 3, July 7, 1964, 78 Stat. 297.)

REFERENCES IN TEXT

Section 2 of Public Law 87-117, referred to in subsec. (a) (4), is set out as a note under section 263 of Title 10, Armed Forces.

AMENDMENTS

1964—Subsec. (a) (3). Pub. L. 88-361, § 3(a), inserted provisions relating to parents with a service-connected total disability permanent in nature.

Subsec. (d). Pub. L. 88-361, § 3(b), added subsec. (d). 1962—Subsec. (a). Pub. L. 87-815, among other changes, eliminated from par. (3), provisions which it incorporated into par. (4), added to such par. (4) the exclusion from the computation of the five year period, of all periods during which the person served on active duty before Aug. 1, 1962, pursuant to a call as a Reserve after July 30, 1961, or an extension of duty pursuant to Pub. L. 87-117, and redesignated former par. (4) as (5). Subsec. (e). Pub. L. 87-819 added subsec. (c).

ELIGIBILITY PERIOD FOR PERSONS OVER 17 AND UNDER 23 ON JULY 7, 1964

Section 5 of Pub. L. 88-361 provided that: "In the case of any individual who is an 'eligible person' within the meaning of section 1701(a) (1) of title 38, United States Code, solely by virtue of the amendments made by this Act [to this section, and sections 1946, 1701, 1702, 1949 and 1702 of this title], and who is above the age of seventeen years and below the age of twenty-three years on the date of enactment of this Act [July 7, 1964], the period referred to in section 1712 of title 38, United States Code, shall not end with respect to such individual until the expiration of the five-year period which begins on the date of enactment of this Act [July 7, 1964], excluding from such five-year period any period of time which may elapse between the date on which application for benefits of chapter 35, United States Code [chapter 35 of this title], is filed on behalf of an eligible person and the date of final approval of such application by the Administrator of Veterans' Affairs; but in no event shall educational assistance under chapter 35, title 38, United States Code [chapter 35 of this title], be afforded to any eligible person beyond his thirty-first birthday by reason of this section."

EXTENSION OF PERIOD FOR COMPLETION OF EDUCATION

Section 2 of Pub. L. 87-377, Oct. 4, 1961, 75 Stat. 806, provided that: "The period referred to in section 1712 of

title 38, United States Code [this section], shall not end before June 18, 1963, with respect to pursuit of a program of education or special restorative training under chapter 35 of such title 38 [this chapter] by an eligible person who (1) had not reached his twenty-third birthday on June 29, 1960, and (2) resided in the Republic of the Philippines during all or part of the period June 29, 1960, through June 18, 1968."

CHILDREN OF SPANISH-AMERICAN WAR VETERANS

Pub. L. 86-236, § 2, Sept. 8, 1959, 73 Stat. 471, as amended by Pub. L. 87-815, § 2(b), Oct. 15, 1962, 76 Stat. 927, provided that:

"(a) In the case of any individual who is an eligible person within the meaning of section 1701(a) (1) of Title 38, United States Code, solely by virtue of the amendments made by this Act [to section 1701 (a) (1), (d) of this title], and who has reached his eighteenth birthday but has not reached his twenty-third birthday on the date of enactment of this Act [Sept. 8, 1959], the period referred to in section 1712 of title 38, United States Code, shall not end with respect to such individual until the expiration of the five-year period which begins on the date of enactment of this Act [Sept. 8, 1959].

"(b) In computing the five-year period prescribed in subsection (a), the Administrator of Veterans' Affairs shall disregard all periods of active duty performed by such individual before August 1, 1962, pursuant to a call or order thereto issued to him as a Reserve after July 30, 1961, or pursuant to an extension of an enlistment, appointment, or period of duty with the Armed Forces pursuant to section 2 of Public Law 86-117 [set out as a note under section 263 of Title 10, Armed Forces]."

ELIGIBLE PERSON

In the case of an "eligible person" within the meaning of section 1701(a) (1) of this title, the period referred to in this section is not to end until expiration of five years after Sept. 14, 1960, see section 5 of act Sept. 14, 1960, set out as a note under section 1701 of this title.

§ 1713. Application.

The parent or guardian of a person for whom educational assistance is sought under this chapter shall submit an application to the Administrator which shall be in such form and contain such information as the Administrator shall prescribe. If the Administrator finds that the person on whose behalf the application is submitted is an eligible person, he shall approve the application provisionally. The Administrator shall notify the parent or guardian of his provisional approval, or of his disapproval of the application. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1195.)

§ 1714. Processing of applications.

(a) Further processing of an application for educational assistance and the award of such assistance shall be pursuant to the requirements of subchapters III and IV of this chapter unless the parent or guardian requests special restorative training for the eligible person, in which case the application will be processed under subchapter V of this chapter.

(b) If the request for special restorative training is approved, educational assistance will be afforded pursuant to the terms of subchapter V of this chapter. If the request for special restorative training is disapproved, or if approved the restorative training is completed or discontinued, any educational assistance subsequently afforded will be in accordance with subchapters III and IV of this chapter. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1195.)

Subchapter III.—Program of Education

§ 1720. Development of educational plan.

Upon provisional approval of an application for educational assistance, the Administrator shall arrange for, and the eligible person shall take advantage of, educational or vocational counseling to assist the parent or guardian and the eligible person in selecting his educational, vocational, or professional objective and in developing his program of education. During, or after, such counseling, the parent or guardian shall prepare for the eligible person an educational plan which shall set forth the selected objective, the proposed program of education, a list of the educational institutions at which such program would be pursued, an estimate of the sum which would be required for tuition and fees in completion of such program, and such other information as the Administrator shall require. This educational plan shall be signed by the parent or guardian and shall become an integral part of the application for educational assistance under this chapter. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1195.)

§ 1721. Final approval of application.

The Administrator shall finally approve an application if he finds (1) that section 1720 of this title has been complied with, (2) that the proposed program of education constitutes a "program of education" as that term is defined in this chapter, (3) that the eligible person is not already qualified, by reason of previous education or training, for the educational, professional, or vocational objective for which the courses of the program of education are offered, and (4) that it does not appear that the pursuit of such program would violate any provision of this chapter. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1196.)

§ 1722. Change of program.

An eligible person, with the concurrence of his parent or guardian, may request changes in his program. The Administrator shall approve an initial change of program, and may approve not more than one additional change, if he finds that—

(1) the program of education which the eligible person proposes to pursue is suitable to his aptitudes, interests, and abilities; and

(2) in any instance where the eligible person has interrupted, or failed to progress in, his program due to his own misconduct, his own neglect, or his own lack of application, there exists a reasonable likelihood with respect to the program which the eligible person proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1196.)

§ 1723. Disapproval of enrollment in certain courses.

(a) (1) The Administrator shall not approve the enrollment of an eligible person in any bartending course, dancing course, or personality development course.

(2) The Administrator shall not approve the enrollment of an eligible person—

(A) in any photography course or entertainment course; or

(B) in any music course—instrumental or vocal—public speaking course, or course in sports or athletics such as horseback riding, swimming, fishing, skiing, golf, baseball, tennis, bowling, sports officiating, or other sport or athletic courses, except courses of applied music, physical education, or public speaking which are offered by institutions of higher learning for credit as an integral part of a program leading to an educational objective; or

(C) in any other type of course which the Administrator finds to be avocational or recreational in character;

unless the eligible person submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation.

(b) The Administrator shall not approve the enrollment of an eligible person in any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree the eligible person is seeking.

(c) The Administrator shall not approve the enrollment of an eligible person in any course of apprenticeship or other training on the job, any course of institutional on-farm training, any course to be pursued by correspondence, open circuit television (except as herein provided), or radio, or any course to be pursued at an educational institution not located in a State or in the Republic of the Philippines. The Administrator may approve the enrollment of an eligible person in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through the medium of open circuit televised instruction, if the major portion of the course requires conventional classroom or laboratory attendance. Notwithstanding the first sentence of this subsection, enrollment in a foreign educational institution may be approved by the Administrator in the case of any eligible person, if (1) the subjects to be taken by such person at such foreign educational institution are an integral part of and are fully creditable toward the satisfactory completion of an approved course in which such person is enrolled in an institution of higher learning (hereafter in this sentence referred to as his "principal institution") which is located in a State or in the Republic of the Philippines, (2) the tuition and fees for attendance at such foreign educational institution are paid for by the principal institution, and (3) the principal institution agrees to assume the responsibility for submitting to the Veterans' Administration required enrollment certificates and monthly certifications of training as to attendance, conduct, and progress.

(d) The Administrator shall not approve the enrollment of an eligible person in any course which is to be pursued as a part of his regular secondary school education, but this subsection shall not prevent the enrollment of an eligible person in a course to be pursued below the college level if the Administrator finds that such person has ended his secondary school education (by completion or otherwise) and that such course is a specialized vocational course pursued for the purpose of qualifying in a bona fide vocational objective. (Pub. L. 85-857,

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Sept. 2, 1958, 72 Stat. 1196; Pub. L. 85-785, § 4, Sept. 14, 1960, 74 Stat. 1024; Pub. L. 87-546, July 25, 1962, 76 Stat. 216.)

AMENDMENTS

1962—Subsec. (c). Pub. L. 87-546 authorized the Administrator to approve enrollment in foreign educational institutions if the subjects to be taken are part of and creditable towards completion of an approved course in a "principal institution", the tuition and fees of the foreign institution are paid by the "principal institution", and such institution agrees to submit enrollment certificates and monthly certifications as to attendance, conduct, and progress to the Veterans' Administration.

1960—Subsec. (c). Pub. L. 86-785 substituted "open circuit television (except as herein provided)" for "television", and authorized the Administrator to approve enrollment in a course pursued in residence, leading to a standard college degree, which utilizes open circuit televised instruction, if the major portion of the course requires conventional classroom or laboratory attendance.

ELIGIBLE PERSON

In the case of an "eligible person" within the meaning of section 1701(a)(1) of this title, the period referred to in section 1712 of this title is not to end until expiration of five years after Sept. 14, 1960, see section 5 of act Sept. 14, 1960, set out as a note under section 1701 of this title.

§ 1724. Discontinuance for unsatisfactory progress.

The Administrator shall discontinue the educational assistance allowance on behalf of an eligible person if, at any time, the Administrator finds that according to the regularly prescribed standards and practices of the educational institution he is attending, his conduct or progress is unsatisfactory. The Administrator may renew the payment of the educational assistance allowance only if he finds that—

- (1) the cause of the unsatisfactory conduct or progress of the eligible person has been removed; and
- (2) the program which the eligible person now proposes to pursue (whether the same or revised) is suitable to his aptitudes, interests, and abilities. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1197.)

§ 1725. Period of operation for approval.

(a) The Administrator shall not approve the enrollment of an eligible person in any course offered by an educational institution when such course has been in operation for less than two years.

(b) Subsection (a) shall not apply to—

- (1) any course to be pursued in a public or other tax-supported educational institution;
- (2) any course which is offered by an educational institution which has been in operation for more than two years, if such course is similar in character to the instruction previously given by such institution;
- (3) any course which has been offered by an institution for a period of more than two years, notwithstanding the institution has moved to another location within the same general locality; or
- (4) any course which is offered by a nonprofit educational institution of college level and which is recognized for credit toward a standard college degree.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1197.)

§ 1726. Institutions listed by Attorney General.

The Administrator shall not approve the enrollment of, or payment of an educational assistance allowance to, any eligible person in any course in an educational institution while it is listed by the Attorney General under section 3 of part III of Executive Order 9835, as amended. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1197.)

REFERENCES IN TEXT

Section 3 of part III of Executive Order 9835, as amended, referred to in the text, is set out as a note under section 631 of Title 5, Executive Departments and Government Officers and Employees.

Subchapter IV.—Payments to Eligible Persons

§ 1731. Educational assistance allowance.

(a) The Administrator shall pay to the parent or guardian of each eligible person who is pursuing a program of education under this chapter, and who applies therefor on behalf of such eligible person, an educational assistance allowance to meet, in part, the expenses of the eligible person's subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

(b) The educational assistance allowance on behalf of an eligible person shall be paid, as provided in section 1732 of this title, only for the period of his enrollment as approved by the Administrator, but no allowance shall be paid—

- (1) on behalf of any person enrolled in a course which leads to a standard college degree for any period when such person is not pursuing his course in accordance with the regularly established policies and regulations of the educational institution and the requirements of this chapter; or
- (2) on behalf of any person enrolled in a course which does not lead to a standard college degree for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays established by Federal or State law (or in the case of the Republic of the Philippines, Philippine law) during which the institution is not regularly in session.

(c) No educational assistance allowance shall be paid on behalf of an eligible person for any period until the Administrator shall have received—

- (1) from the eligible person (A) in the case of an eligible person enrolled in a course which leads to a standard college degree, a certification that he was actually enrolled in and pursuing the course as approved by the Administrator, or (B) in the case of an eligible person enrolled in a course which does not lead to a standard college degree, a certification as to actual attendance during such period; and
- (2) from the educational institution a certification, or an endorsement on the eligible person's certificate, that he was enrolled in and pursuing a course of education during such period.

Educational assistance allowances shall, insofar as practicable, be paid within twenty days after receipt by the Administrator of the certifications required by this subsection. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1197.)

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(a) The educational assistance allowance on behalf of an eligible person who is pursuing a program of institutional courses shall be computed at the rate of (1) \$110 per month if pursued on a full-time basis, (2) \$80 per month if pursued on a three-quarters time basis, and (3) \$50 per month if pursued on a half-time basis.

(b) The educational assistance allowance to be paid on behalf of an eligible person who is pursuing a full-time program of education which consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion, shall be computed at the rate of \$90 per month.

(c) No educational assistance allowance shall be paid on behalf of an eligible person for any period during which he is enrolled in and pursuing an institutional course on a less than half-time basis, or any course described in subsection (b), on a less than full-time basis. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1198.)

§ 1733. Measurement of courses.

(a) For the purposes of this chapter, (1) an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods per week allowed, (2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction is required, and (3) an institutional undergraduate course offered by a college or university on a quarter or semester hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required.

(b) The Administrator shall define part-time training in the case of the types of courses referred to in subsection (a), and shall define full-time and part-time training in the cases of all other types of courses pursued under this chapter. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1198.)

§ 1734. Overcharges by educational institutions.

(a) If the Administrator finds that an educational institution has charged or received from any eligible person pursuing a course of education under this chapter any amount in excess of the charges for tuition and fees which such institution requires similarly circumstanced students, not receiving educational assistance under this chapter, who are enrolled in the same course to pay, he may disapprove such educational institution for the enrollment of any eligible person not already enrolled therein under this chapter and any eligible veteran not already enrolled therein under chapter 31 or 33 of this title.

(b) Any educational institution which has been disapproved under section 1634 of this title shall be

§ 1735. Approval of courses.

(a) Until the date for the expiration of all education and training under chapter 33 of this title, and an eligible person shall receive the benefits of this subchapter while enrolled in a course of education offered by an educational institution only if such course (1) is approved in accordance with the provisions of this section or subchapter VII of this chapter, or (2) is approved for the enrollment of the particular individual under the provisions of section 1737 of this title.

(b) Any course offered by an educational institution (as defined in this chapter) shall be considered approved for the purposes of this chapter if it is approved under either section 1653 or section 1654 of this title before the date for the expiration of all education and training under chapter 33 of this title, and has not been disapproved under section 1656 or section 1778 of this title. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 88-126, § 2, Sept. 23, 1963, 77 Stat. 162.)

AMENDMENTS

1963—Subsec. (a). Pub. L. 88-126, § 2(1), (2), inserted "Until the date for the expiration of all education and training under chapter 33 of this title, and" preceding "eligible person", and "or subchapter VII of this chapter" following "this section."

Subsec. (b). Pub. L. 88-126, § 2(3), inserted "or section 1778."

Subsec. (c). Pub. L. 88-126, § 2(4), repealed subsec. (c) which related to the responsibility of the Administrator, after the expiration date of all education and training under chapter 33 of this title, for the approval of any additional courses.

§ 1736. Discontinuance of allowances.

(a) The Administrator may discontinue the educational assistance allowance of any eligible person if he finds that the course of education in which the eligible person is enrolled fails to meet any of the requirements of this chapter or if he finds that the educational institution offering such course has violated any provision of this chapter or fails to meet any of its requirements.

(b) Until the date for the expiration of all education and training under chapter 33 of this title, the Administrator may discontinue the educational assistance allowance of any eligible person if he finds that the course of education in which the eligible person is enrolled fails to meet any of the standards and criteria of sections 1653 and 1654 of this title. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 88-126, § 3, Sept. 23, 1963, 77 Stat. 162.)

AMENDMENTS

1963—Pub. L. 88-126 designated existing provisions as subsec. (a), deleted "or any of the standards and criteria of sections 1653 and 1654 of this title" following "requirements of this chapter" therefrom, and added subsec. (b).

§ 1737. Specialized vocational training courses.

The Administrator may approve a specialized course of vocational training leading to a predeter-

¹ So in original. Probably should be "an."

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mined vocational objective for the enrollment of an eligible person under this subchapter if he finds that such course, either alone or when combined with other courses, constitutes a program of education which is suitable for that person and is required because of a mental or physical handicap. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 88-126, § 4, Sept. 23, 1963, 77 Stat. 162.)

AMENDMENTS

1963—Pub. L. 88-126 deleted "Notwithstanding the provisions of subsections (b) and (c) of section 1735 of this title" preceding "The Administrator may approve."

Subchapter V.—Special Restorative Training

§ 1740. Purpose.

The purpose of special restorative training is to overcome, or lessen, the effects of a manifest physical or mental disability which would handicap an eligible person in the pursuit of a program of education. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1200.)

§ 1741. Entitlement to special restorative training.

(a) The Administrator at the request of the parent or guardian of an eligible person is authorized—

(1) to determine whether such person is in need of special restorative training; and

(2) where need is found to exist, to prescribe a course which is suitable to accomplish the purposes of this chapter.

Such a course, at the discretion of the Administrator, may contain elements that would contribute toward an ultimate objective of a program of education.

(b) The total period of educational assistance under this subchapter and other subchapters of this chapter may not exceed the amount of entitlement as established in section 1711 of this title, except that the Administrator may extend such period in the case of any person if he finds that additional assistance is necessary to accomplish the purpose of special restorative training as stated in subsection (a) of this section. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1200; Pub. L. 88-361, § 6, July 7, 1964, 78 Stat. 298.)

AMENDMENTS

1964—Subsec. (b). Pub. L. 88-361 authorized the Administrator to extend the period if he finds additional assistance necessary to accomplish the purpose of special restorative training.

EFFECTIVE DATE OF 1964 AMENDMENT

Section 2 of Pub. L. 88-433, Aug. 14, 1964, 78 Stat. 442, provided that: "The amendments made by section 6 of the Act of July 7, 1964 (Public Law 88-361, 78 Stat. 297) [to this section], shall take effect as of January 1, 1964."

§ 1742. Special training allowance.

(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of \$110 per month. If the charges for tuition and fees applicable to any such course are more than \$35 per calendar month the basic monthly allowance may be increased by the amount that such charges exceed \$35 a month, upon election by the parent or guardian of the eli-

gible person to have such person's period of entitlement reduced by one day for each \$3.60 that the special training allowance paid exceeds the basic monthly allowance.

(b) No payments of a special training allowance shall be made for the same period for which the payment of an educational assistance allowance is made or for any period during which the training is pursued on less than a full-time basis.

(c) Full-time training for the purpose of this section shall be determined by the Administrator with respect to the capacities of the individual trainee. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1200.)

§ 1743. Special administrative provisions.

(a) In carrying out his responsibilities under this chapter the Administrator may by agreement arrange with public or private educational institutions or others to provide training arrangements as may be suitable and necessary to accomplish the purposes of this subchapter. In any instance where the Administrator finds that a customary tuition charge is not applicable, he may agree on the fair and reasonable amounts which may be charged the parent or guardian for the training provided to an eligible person.

(b) The Administrator shall make such rules and regulations as he may deem necessary in order to promote good conduct on the part of the persons who are following courses of special restorative training and otherwise to carry out the purposes of this chapter. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1200.)

Subchapter VI.—Miscellaneous Provisions

§ 1761. Authority and duties of Administrator.

(a) Payments under this chapter shall be subject to audit and review by the General Accounting Office, as provided by the Budget and Accounting Act of 1921, and the Budget and Accounting Procedures Act of 1950.

(b) The Administrator may provide the educational and vocational counseling required under section 1720 of this title, and may provide or require additional counseling if he deems it to be necessary to accomplish the purposes of this chapter.

(c) In carrying out his functions under this chapter, the Administrator may utilize the facilities and services of any other Federal department or agency. Any such utilization shall be pursuant to proper agreement with the Federal department or agency concerned; and payment to cover the cost thereof shall be made either in advance or by way of reimbursement, as may be provided in such agreement.

(d) Where any provision of this chapter authorizes or requires any function, power, or duty to be exercised by a State, or by any officer or agency thereof, such function, power, or duty shall, with respect to the Republic of the Philippines, be exercised by the Administrator. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1200.)

REFERENCES IN TEXT

The Budget and Accounting Act of 1921, referred to in subsec. (a), is classified to sections 1, 2, 11, 13—24, 41—44, 46—50, and 52—57 of Title 31, Money and Finance.

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The Budget and Accounting Procedures Act of 1950, referred to in subsec. (a), is classified to Title 31, generally. For complete distribution see Tables Volume and Popular Names Table.

§ 1762. Nonduplication of benefits.

(a) The commencement of a program of education or special restorative training under this chapter shall be a bar (1) to subsequent payments of compensation, dependency and indemnity compensation, or pension based on the death of a parent to an eligible person over the age of eighteen by reason of pursuing a course in an educational institution, or (2) to increased rates, or additional amounts, of compensation, dependency and indemnity compensation, or pension because of such a person whether eligibility is based upon the death or upon the total permanent disability of the parent.

(b) No educational assistance allowance or special training allowance shall be paid on behalf of any eligible person under this chapter for any period during which such person is enrolled in and pursuing a course of education or training paid for by the United States under any provision of law other than this chapter, where the payment of an allowance would constitute a duplication of benefits paid from the Federal Treasury to the eligible person or to his parent or guardian in his behalf. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1201; Pub. L. 88-361, § 4, July 7, 1964, 78 Stat. 298.)

AMENDMENTS

1964—Subsec. (a). Pub. L. 88-361 inserted "whether eligibility is based upon the death or upon the total permanent disability of the parent."

§ 1763. Control by agencies of the United States.

No department, agency, or officer of the United States, in carrying out this chapter, shall exercise any supervision or control, whatsoever, over any State approving agency, or State educational agency, or any educational institution. Nothing in this section shall be deemed to prevent any department, agency, or officer of the United States from exercising any supervision or control which such department, agency, or officer is authorized by law to exercise over any Federal educational institution or to prevent the furnishing of education under this chapter in any institution over which supervision or control is exercised by such other department, agency, or officer under authority of law. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1201.)

§ 1764. Conflicting interests.

(a) Every officer or employee of the Veterans' Administration who has, while such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any educational institution operated for profit in which an eligible person was pursuing a course of education under this chapter shall be immediately dismissed from his office or employment.

(b) The Administrator may, after reasonable notice and public hearings, waive in writing the application of this section in the case of any officer or employee of the Veterans' Administration, if he finds that no detriment will result to the United States or to eligible persons by reason of such inter-

est or connection of such officer or employee. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1201.)

§ 1765. Reports by institutions.

(a) Educational institutions shall, without delay, report to the Administrator in the form prescribed by him, the enrollment, interruption, and termination of the education of each eligible person enrolled therein under this chapter.

(b) The Administrator shall pay to each educational institution which is required to submit reports and certifications to the Administrator under this chapter, an allowance at the rate of \$1 per month for each eligible person enrolled in and attending such institution under the provisions of this chapter to assist the educational institution in defraying the expense of preparing and submitting such reports and certifications. Such allowances shall be paid in such manner and at such times as may be prescribed by the Administrator, except that in the event any institution fails to submit reports or certifications to the Administrator as required by this chapter, no allowance shall be paid to such institution for the month or months during which such reports or certifications were not submitted as required by the Administrator. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1202.)

§ 1766. Overpayments to eligible persons.

Whenever the Administrator finds that an overpayment has been made to an eligible person as the result of (1) the willful or negligent failure of an educational institution to report, as required by this chapter and applicable regulations, to the Veterans' Administration excessive absences from a course, or discontinuance or interruption of a course by the eligible person, or (2) false certification by an educational institution, the amount of such overpayment shall constitute a liability of such institution, and may be recovered in the same manner as any other debt due the United States. Any amount so collected shall be reimbursed if the overpayment is recovered from the eligible person. This section shall not preclude the imposition of any civil or criminal liability under this or any other law. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1202.)

§ 1767. Examination of records.

The records and accounts of educational institutions pertaining to eligible persons who received education under this chapter shall be available for examination by duly authorized representatives of the Government. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1202.)

§ 1768. False or misleading statements.

The Administrator shall not make any payments under this chapter to any person found by him to have willfully submitted any false or misleading claims. Whenever the Administrator finds that an educational institution has willfully submitted a false or misleading claim, or that a person, with the complicity of an educational institution, has submitted such a claim, he shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the Attorney General of the United States for ap-

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propriate action. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1202.)

Subchapter VII.—State Approving Agencies

§ 1771. Designation.

(a) Unless otherwise established by the law of the State concerned, the chief executive of each State is requested to create or designate a State department or agency as the "State approving agency" for his State for the purposes of this chapter after the date for the expiration of all education and training provided for in chapter 33 of this title. Such agency may be the agency designated or created in accordance with section 1641 of this title.

(b) (1) If any State fails or declines to create or designate a State approving agency, the provisions of this chapter which refer to the State approving agency shall, with respect to such State, be deemed to refer to the Administrator.

(2) In the case of courses subject to approval by the Administrator under section 1772 of this title, the provisions of this chapter which refer to a State approving agency shall be deemed to refer to the Administrator. (Added Pub. L. 88-126, § 1, Sept. 23, 1963, 77 Stat. 158.)

§ 1772. Approval of courses.

(a) An eligible person shall receive the benefits of this chapter while enrolled in a course of education offered by an educational institution only if (1) such course is approved as provided in this chapter by the State approving agency for the State where such educational institution is located, or by the Administrator, or (2) such course is approved (A) for the enrollment of the particular individual under the provisions of section 1737 of this title or (B) for special restorative training under subchapter V of this chapter. Approval of courses by State approving agencies shall be in accordance with the provisions of this chapter and such other regulations and policies as the State approving agency may adopt. Each State approving agency shall furnish the Administrator with a current list of educational institutions specifying courses which it has approved, and, in addition to such list, it shall furnish such other information to the Administrator as it and the Administrator may determine to be necessary to carry out the purposes of this chapter. Each State approving agency shall notify the Administrator of the disapproval of any course previously approved and shall set forth the reasons for such disapproval.

(b) The Administrator shall be responsible for the approval of courses of education offered by any agency of the Federal Government authorized under other laws to supervise such education. The Administrator may approve any course in any other educational institution in accordance with the provisions of this chapter. (Added Pub. L. 88-126, § 1, Sept. 23, 1963, 77 Stat. 158.)

§ 1773. Cooperation.

(a) The administrator and each State approving agency shall take cognizance of the fact that definite duties, functions, and responsibilities are conferred upon the Administrator and each State approving

agency under the educational programs established under this chapter. To assure that such programs are effectively and efficiently administered, the cooperation of the Administrator and the State approving agencies is essential. It is necessary to establish an exchange of information pertaining to activities of educational institutions, and particular attention should be given to the enforcement of approval standards, enforcement of enrollment restrictions, and fraudulent and other criminal activities on the part of persons connected with educational institutions in which eligible persons are enrolled under this chapter.

(b) The Administrator will furnish the State approving agencies with copies of such Veterans' Administration informational material as may aid them in carrying out this chapter. (Added Pub. L. 88-126, § 1, Sept. 23, 1963, 77 Stat. 158.)

§ 1774. Reimbursement of expenses.

The Administrator is authorized to enter into contracts or agreements with State and local agencies to pay such State and local agencies for reasonable and necessary expenses of salary and travel incurred by employees of such agencies in (1) rendering necessary services in ascertaining the qualifications of educational institutions for furnishing courses of education to eligible persons under this chapter, and in the supervision of such educational institutions, and (2) furnishing, at the request of the Administrator, any other services in connection with this chapter. Each such contract or agreement shall be conditioned upon compliance with the standards and provisions of this chapter. (Added Pub. L. 88-126, § 1, Sept. 23, 1963, 77 Stat. 159.)

§ 1775. Approval of accredited courses.

(a) A State approving agency may approve the courses offered by an educational institution when—

(1) such courses have been accredited and approved by a nationally recognized accrediting agency or association;

(2) such courses are conducted under sections 11-28 of title 20; or

(3) such courses are accepted by the State department of education for credit for a teacher's certificate or a teacher's degree.

For the purposes of this chapter the Commissioner of Education shall publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered by an educational institution and the State approving agencies may, upon concurrence, utilize the accreditation of such accrediting associations or agencies for approval of the courses specifically accredited and approved by such accrediting association or agency. In making application for approval, the institution shall transmit to the State approving agency copies of its catalog or bulletin.

(b) As a condition to approval under this section, the State approving agency must find that adequate records are kept by the educational institution to show the progress of each eligible person. The State approving agency must also find that the educational institution maintains a written record of the

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previous education and training of the eligible person and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the training period shortened proportionately and the eligible person and the Administrator so notified. (Added Pub. L. 88-126, § 1, Sept. 23, 1963, 77 Stat. 159.)

§ 1776. Approval of nonaccredited courses.

(a) No course of education which has not been approved by a State approving agency pursuant to section 1653 or 1775 of this title, which is offered by a public or private, profit or nonprofit, educational institution shall be approved for the purposes of this chapter unless the educational institution offering such course submits to the appropriate State approving agency a written application for approval of such course in accordance with the provisions of this chapter.

(b) Such application shall be accompanied by not less than two copies of the current catalog or bulletin which is certified as true and correct in content and policy by an authorized owner or official and includes the following:

- (1) Identifying data, such as volume number and date of publication;
- (2) Names of the institution and its governing body, officials and faculty;
- (3) A calendar of the institution showing legal holidays beginning and ending date of each quarter, term, or semester, and other important dates;
- (4) Institution policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each course;
- (5) Institution policy and regulations relative to leave, absences, class cuts, makeup work, tardiness and interruptions for unsatisfactory attendance;
- (6) Institution policy and regulations relative to standards of progress required of the student by the institution (this policy will define the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the institution, and conditions of reentrance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the institution and furnished by the student);
- (7) Institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;
- (8) Detailed schedules of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges;
- (9) Policy and regulations of the institution relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course or withdraws or is discontinued therefrom;
- (10) A description of the available space, facilities, and equipment;
- (11) A course outline for each course for which approval is requested, showing subjects or units

in the course, type of work or skill to be learned, and approximate time and clock hours to be spent on each subject or unit; and

(12) Policy and regulations of the institution relative to granting credit for previous educational training.

(c) The appropriate State approving agency may approve the application of such institution when the institution and its non-accredited courses are found upon investigation to have met the following criteria:

- (1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools and other private schools in the State, with recognized accepted standards.
- (2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of good quality.
- (3) Educational and experience qualifications of directors, administrators, and instructors are adequate.
- (4) The institution maintains a written record of the previous education and training of the eligible person and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the training period shortened proportionately and the eligible person and the Administrator so notified.
- (5) A copy of the course outline, schedule of tuition, fees, and other charges, regulations pertaining to absence, grading policy, and rules of operation and conduct will be furnished the eligible person upon enrollment.
- (6) Upon completion of training, the eligible person is given a certificate by the institution indicating the approved course and indicating that training was satisfactorily completed.
- (7) Adequate records as prescribed by the State approving agency are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.
- (8) The institution complies with all local, city, county, municipal, State, and Federal regulations, such as fire codes, building and sanitation codes. The State approving agency may require such evidence of compliance as is deemed necessary.
- (9) The institution is financially sound and capable of fulfilling its commitments for training.
- (10) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimidation. The institution shall not be deemed to have met this requirement until the State approving agency (A) has ascertained from the Federal Trade Commission whether the Commission has issued an order to the institution to cease and desist from any act or practice, and (B) has, if such an order has been issued, given due weight to that fact.
- (11) The institution does not exceed its enrollment limitations as established by the State approving agency.

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(12) The institution's administrators, directors, owners, and instructors are of good reputation and character.

(13) The institution has and maintains a policy for the refund of the unused portion of tuition, fees, and other charges in the event the eligible person fails to enter the course or withdraws or is discontinued therefrom at any time prior to completion and such policy must provide that the amount charged to the eligible person for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length.

(14) Such additional criteria as may be deemed necessary by the State approving agency.
(Added Pub. L. 88-126, § 1, Sept. 23, 1963, 77 Stat. 159.)

§ 1777. Notice of approval of courses.

The State approving agency, upon determining that an educational institution has complied with all the requirements of this chapter, will issue a letter to such institution setting forth the courses which have been approved for the purposes of this chapter, and will furnish an official copy of such letter and any subsequent amendments to the Administrator. The letter of approval shall be accompanied by a copy of the catalog or bulletin of the institution, as approved by the State approving agency, and shall contain the following information:

- (1) date of letter and effective date of approval of courses;
- (2) proper address and name of each educational institution;
- (3) authority for approval and conditions of approval, referring specifically to the approved catalog or bulletin published by the educational institution;
- (4) name of each course approved;
- (5) where applicable, enrollment limitations such as maximum numbers authorized and student-teacher ratio;
- (6) signature of responsible official of State approving agency; and
- (7) such other fair and reasonable provisions as are considered necessary by the appropriate State approving agency.

(Added Pub. L. 88-126, § 1, Sept. 23, 1963, 77 Stat. 162.)

§ 1778. Disapproval of courses.

(a) Any course approved for the purposes of this chapter which fails to meet any of the requirements of this chapter shall be immediately disapproved by the appropriate State approving agency. An educational institution which has its courses disapproved by a State approving agency will be notified of such disapproval by a certified or registered letter of notification and a return receipt secured.

(b) Each State approving agency shall notify the Administrator of each course which it has disapproved under this section. The Administrator shall notify the State approving agency of his dis-

approval of any educational institution under chapter 31 of this title. (Added Pub. L. 88-126, § 1, Sept. 23, 1963, 77 Stat. 162.)

Chapter 37.—HOME, FARM, AND BUSINESS LOANS

SUBCHAPTER I.—GENERAL

- Sec.
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1802. Basic entitlement.
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SUBCHAPTER III.—ADMINISTRATIVE PROVISIONS

1820. Powers of Administrator.
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1822. Recovery of damages.
1823. Direct loan revolving fund.
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1825. Waiver of discharge requirements for hospitalized persons.

AMENDMENTS

1960—Pub. L. 86-665, §§ 6(b), 7(b), July 14, 1960, 74 Stat. 532, 533, added items 1806 and 1824 and renumbered former item 1824 as 1825.

Subchapter I.—General

§ 1801. Definitions.

(a) For the purposes of this chapter—

(1) The term "World War II" (A) means the period beginning on September 16, 1940, and ending on July 25, 1947, and (B) includes, in the case of any veteran who enlisted or reenlisted in a Regular component of the Armed Forces after October 6, 1945, and before October 7, 1946, the period of the first such enlistment or reenlistment.

(2) The term "veteran" includes the widow of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability, but only if such widow is not eligible for benefits under this chapter on the basis of her own active duty. The active duty of her husband shall be deemed to have been active duty by such widow for the purposes of this chapter.

(b) Benefits shall not be afforded under this chapter to any individual on account of service as a commissioned officer of the Coast and Geodetic Survey, or of the Regular or Reserve Corps of the Public Health Service, unless such service would have qualified such individual for benefits under title III of the Servicemen's Readjustment Act of 1944. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1203.)

REFERENCES IN TEXT

Title III of the Servicemen's Readjustment Act of 1944, referred to in subsec. (b), was title III of act June 22, 1944, ch. 268, 58 Stat. 291, which was repealed by Pub. L. 85-857, § 14(87), Sept. 2, 1958, 72 Stat. 1273, and is now covered by this chapter.

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